

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
TELEPHONE (916) 561-8200 FAX (916) 263-2560 TOLL FREE 1-800-832-2251
INTERNET <http://www.ptb.ca.gov>
EMAIL cps@dca.ca.gov

November 17, 2006

Citation No. 06-07-0180

Laure Fitzpatrick
12362 Caminito Festivo
San Diego, CA 92131

CITATION

Investigation of a complaint submitted revealed actions taken by you which violate sections of the law regulating the practice of physical therapy.

Based on an investigation conducted at Body Waves Unlimited, in San Diego, California, by the Division of Investigation, it was determined you advertised "Physical Therapy" and used the title of "Physiotherapist" on advertising for services provided.

The use of the title "physiotherapist" and "physical therapy" is a violation of the Physical Therapy Practice Act when the person does not hold a license to practice physical therapy in the State of California.

Therefore, a Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

FIRST CAUSE FOR CITATION

1. *Business and Professions Code, Section 651*
...(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:
 - 1) *Contains a misrepresentation of fact....*

The advertisement for Body Waves Health and Rehabilitation specifically states you provide "Physical Therapy Modalities" and provide "Physical Therapy". The list of services your website claims you offer include "physical therapy" and "physical therapy modalities upon request". A business card was also obtained and indicates "physical therapy" as one of the services you provide.

Your advertisements lead the general public to believe from viewing it that you provide "Rehabilitation"; "Physical Therapy Modalities"; provide "Physical Therapy" and that you have experience and are Board licensed as a physical therapist which is a misrepresentation of fact.

SECOND CAUSE FOR CITATION

2. *Business and Professions Code, Section 2633*

A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters or figures which indicate that the person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.," "R.P.T.," or "P.T.".

As stated in Cause One, you are not authorized to use the title "physical therapist" nor indicate you are or have worked as a "physiotherapist" as you are not licensed in the State of California as a physical therapist.

THIRD CAUSE FOR CITATION

3. *Business and Professions Code, Section 2630*

It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

The business card obtained, advertises your services include physical therapy and injury rehabilitation which is a violation of the Physical Therapy Practice Act.

The advertisement for Body Waves Health and Rehabilitation specifically states you provide "Physical Therapy Modalities" and provide "Physical Therapy".

It is a violation to hold yourself out to practice or to offer such services since this requires a license to do.

ORDER

Further, **you are ordered to pay a fine of \$1,950.00 (\$650.00 per cause)** to the Physical Therapy Board of California within thirty (30) days of the date of issuance of the citation or assessment.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within ten (10) days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to

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correct all uncontested violations will be adhered to as specified. In the alternative, you may, within thirty (30) days of the date of issuance of the citation or assessment, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.

Administrative Fine

\$ 1950.00 (\$650.00 Per Cause)

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,
PLEASE RETURN THE COPY OF THE CITATION
AND NOTE THE CITATION NUMBER ON YOUR CHECK
OR MONEY ORDER.

November 17, 2006

Date

Original Signed By:

STEVEN K. HARTZELL
Executive Officer

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ORDER OF ABATEMENT

November 17, 2006

Citation Against: Laure Fitzpatrick

Citation No. 06-07-0180

FIRST CAUSE FOR CITATION

1. Business and Professions Code, Section 651

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1) Contains a misrepresentation of fact....

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Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation by reviewing the sections referenced in violation.

Failure to comply with the provisions of this Citation and Order of Abatement within thirty (30) days of receipt may result in further legal action.